

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TAKINA JENKINS-NAUDAIN,

Plaintiff(s),

v.

ABM INDUSTRIES INCORPORATION, et  
al.,

Defendant(s).

Case No. 2:22-cv-01826-CDS-NJK

**Order**

[Docket No. 29]

Pending before the Court is Defendants' motion to stay discovery pending resolution of their motion to compel arbitration. Docket No. 29. Plaintiff filed a response in opposition. Docket No. 31.<sup>1</sup> Defendants filed a reply. Docket No. 32.

A stay pending resolution of a motion to compel arbitration is warranted when it is potentially dispositive of the action, it can be decided without discovery, and there is a reasonable possibility or probability that the district judge will compel arbitration. *Arik v. Meyers*, 2020 WL 515843, at \*1-2 (D. Nev. Jan. 31, 2020) (citing *Shaughnessy v. Credit Acceptance Corp. of Nev.*, 2007 WL 9728688, at \*2-3 (D. Nev. Nov. 28, 2007)). Courts frequently stay discovery pending resolution of a motion to compel arbitration. *See, e.g., Mahamedi IP Law, LLP v. Paradise & Li, LLP*, 2017 WL 2727874, at \*1 (N.D. Cal. Feb. 14, 2017) (collecting cases). The circumstances here justify such a stay.<sup>2</sup>

---

<sup>1</sup> Plaintiff devotes part of her brief to argue that the Court erred in noting earlier that the parties violated the deadline to file a discovery plan. *See* Docket No. 31 at 2. Plaintiff is wrong. A discovery plan is due within 44 days of the defendant's first appearance. Local Rule 26-1(a). Whether CM/ECF automatically generated some other date in an electronic notice is irrelevant; such a notice is not an "order" of the Court and is of no legal consequence. Local Rule IC 3-1(d) (making plain that the local rules trump a courtesy notice issued by CM/ECF as to the computation of deadlines).

<sup>2</sup> Conducting the preliminary peek can put a magistrate judge in an awkward position and is not intended to prejudice the outcome of the underlying motion. *See Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 603 (D. Nev. 2011). As such, the Court will not provide a lengthy discussion of the merits of the motion to compel arbitration.

1           Accordingly, the motion to stay discovery is **GRANTED**. In the event the motion to  
2 compel arbitration is denied, the parties must file a proposed discovery plan or joint status report  
3 within 14 days of the issuance of the order resolving that motion.

4           IT IS SO ORDERED.

5           Dated: March 27, 2023

6  
7   
8 \_\_\_\_\_  
9 Nancy J. Koppe  
10 United States Magistrate Judge  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28